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GREGORIO TORRES-PENA
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 GREGORIO TORRES-PENA,

15 Defendant.
16

Case No. 1:25-cr-00080-KES-BAM

**STIPULATION TO CONTINUE MOTION
HEARING AND SET BRIEFING
DEADLINES; ORDER**

Date: July 28, 2025

Time: 9:30 a.m.

Judge: Hon. Kirk E. Sherriff

17 IT IS HEREBY STIPULATED by and between the parties through their respective
18 counsel, Assistant United States Attorney Luke Baty, counsel for plaintiff, and Assistant Federal
19 Defender Erin Snider, counsel for Gregorio Torres-Pena, that the Court may continue the hearing
20 on Mr. Torres-Pena's motion to dismiss to July 28, 2025, at 9:30 a.m. and establish the following
21 briefing schedule: opposition to motion due July 14, 2025; any reply to the opposition to motion
22 due July 21, 2025.

23 The parties agree and request the Court find the following:

24 1. On May 26, 2025, Mr. Torres-Pena, through counsel, filed a motion to dismiss the
25 sole charge in the Indictment pursuant to 8 U.S.C. §1326(d). *See* ECF #16. Mr. Torres-Pena
26 noticed the motion for June 9, 2025, pursuant to Local Rule 430.1(e). *Id.*

27 2. On May 27, 2025, on the Court's own motion, the Court reset the motion hearing
28 to June 16, 2025. *See* ECF #17.

1 3. Due to the parties' scheduling conflicts, the Court later reset the motion hearing to
2 July 28, 2025, at 9:30 a.m. and ordered the government to file an opposition brief by July 14,
3 2025, and the defense to file any reply brief by July 21, 2025. *See* ECF #18. The Court requested
4 that the parties file a stipulation as well.

5 4. Pursuant to the Court's request, the parties hereby file the instant stipulation,
6 agreeing to a motion hearing date of July 28, 2025, at 9:30 a.m. and a briefing schedule
7 consistent with the Court's May 28, 2025 Minute Order.

8 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
9 *et seq.*, within which trial must commence, the time period of May 26, 2025, to July 28, 2025,
10 inclusive, is excludable pursuant to 18 U.S. C. § 3161(h)(1)(D).

11 **IT IS SO STIPULATED.**

12 Respectfully submitted,

13 MICHELE BECKWITH
14 Acting United States Attorney

15 Date: June 2, 2025

16 /s/ Luke Baty
17 LUKE BATY
 Assistant United States Attorney
 Attorney for Plaintiff

18 HEATHER E. WILLIAMS
19 Federal Defender

20 Date: June 2, 2025

21 /s/ Erin Snider
22 ERIN SNIDER
 Assistant Federal Defender
 Attorney for Defendant
 GREGORIO TORRES-PENA

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ORDER

IT IS SO ORDERED. The government's opposition brief to defendant Gregorio Torres-Pena's motion to dismiss is due July 14, 2025. Any reply to the government's opposition brief is due July 21, 2025. A hearing on the motion to dismiss is scheduled for July 28, 2025, at 9:30 a.m. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, *et seq.*, within which trial must commence, the time period of May 26, 2025, to July 28, 2025, inclusive, is excludable pursuant to 18 U.S. C. § 3161(h)(1)(D).

IT IS SO ORDERED.

Dated: June 4, 2025


UNITED STATES DISTRICT JUDGE